

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

|                     |   |                      |
|---------------------|---|----------------------|
| PATRICK S. RILEY,   | ) |                      |
|                     | ) |                      |
| Plaintiff           | ) |                      |
|                     | ) | No. 3:10-0598        |
| v.                  | ) | Judge Campbell/Brown |
|                     | ) |                      |
| DARON HALL, et al., | ) |                      |
|                     | ) |                      |
| Defendants          | ) |                      |

**RECOMMENDATION**

The Plaintiff has filed a motion for a continuance and a new trial date in this matter (Docket Entry 168). For the reasons stated below, the Magistrate Judge recommends that the present trial date (Docket Entry 146) be continued for a minimum of six months, or be reset following a resolution of the pending motion to dismiss (Docket Entry 69).

The present trial date is set for November 29, 2011, before Chief Judge Campbell (Docket Entry 146). Given the pending motion for judgment on the pleadings by a number of Defendants in which they raise qualified immunity, discovery has been stayed as to those Defendants pending resolution of that issue.

In his declaration in support of his motion for a continuance (Docket Entry 169) the Plaintiff at paragraph 27 states that he is to be released from custody on March 23, 2011, and that he will then have the ability to conduct additional research and actively pursue his case. He requests at least an additional 90 days to the existing deadlines in order to better prepare his case.

Given the status of the pleadings in the case, the Magistrate Judge believes that it would be appropriate to continue the trial in this matter for a period of at least six months to allow the Magistrate Judge time to extend the current deadlines and to hopefully reach a resolution on the pending motion for judgment on the pleadings. Inasmuch as the pending motion for a judgment on the pleadings involves qualified immunity, if it is denied there is a possibility that the Defendants relying on that defense will take an immediate appeal.

Provided that Chief Judge Campbell will continue the pending trial date, the Magistrate Judge will grant extensions to the current discovery plan in order that, hopefully, all discovery can proceed together.

Respectfully submitted,

/s/ Joe B. Brown  
JOE B. BROWN  
United States Magistrate Judge